

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS,  
JUNE 5, 2007 AT 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 5<sup>th</sup> day of June 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

**Call to order and Pledge of Allegiance.**

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Dean and Rangel.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, City Accountant Wallace, Public Works Director Vick, Assistant Public Works Director Stolz, Community Development Director Smith, Economic Development Director Caldera, Police Department Communications Supervisor Whealton, Administrative Assistant Trejo, and City Attorney Jacobson were also present.

Mayor Riley asked resident Travis Nelson to lead the Pledge of Allegiance.

**Consider approval of minutes of the City Council Meeting of May 15, 2007.**

A motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to approve the minutes from the City Council Meeting of May 15, 2007. Upon a unanimous vote, the motion carried.

**Presentations to Councilmembers Maloy and Rangel.**

Mayor Riley called Councilmember Maloy to the front of the dais and presented her with a plaque in appreciation for her service on the City Council. Councilmember Maloy thanked her supporters and the City staff for their support and thanked her granddaughter for being in attendance.

Mayor Riley called Councilmember Rangel to the front of the dais and also presented him with a plaque in appreciation for his service on the City Council. Councilmember Rangel thanked everyone and said that he will continue to volunteer with the City.

**Installation by Justice Catherine M. Stone, Fourth Court of Appeals, of newly elected Councilmembers Manea, Baldrige, and Nelson.**

Mayor Riley introduced Justice Catherine M. Stone from the Fourth Court of Appeals. Justice Stone swore in each new member of City Council individually as follows: Phillip Manea to Council Place 1, Irene Baldrige to Council Place 3, and Cathy Nelson to Council Place 5. Mayor Riley presented each new Councilmember their Certificate of Election and the new members took their seats at the dais.

**Recess for fifteen minutes to participate in a reception in the City Hall lobby to honor Councilmembers.**

Mayor Riley asked for a recess of fifteen (15) minutes for everyone to join in a short reception in the City Hall lobby to honor all the Councilmembers leaving and those who were beginning their terms of office.

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A motion was made by Councilman Reyna to recess for fifteen minutes, seconded by Councilmember Dean. Upon vote, the motion carried. Mayor Riley announced that the meeting was in recess for 15 minutes beginning at 7:15 p.m.

**Call to order.**

Mayor Riley called the meeting back to order at 7:30 p.m. in the Council Chambers with Councilmembers: Manea, Reyna, Baldrige, Dean, and Nelson present at the dais joining City Attorney Jacobson also at the dais.

**Presentation by Fred Medrano of Waste Management, Inc. on the kickoff of "Leon Valley Recycles", a new residential recycling educational program for the City of Leon Valley followed by a drawing for the Green Bin Instant Win Program.**

Mayor Riley introduced Albert Perez, from Waste Management, Inc. and invited members from the City's Earthwise Living Committee: Rita Burnside, Mary Key, Marty Tome, and Tom Benavides to assist with the drawing for the Green Bin Instant Win Program. Mayor Riley announced the kickoff of the "Leon Valley Recycles" program, an expanded recycling program which includes recycling for a wider number of plastics, cell phones, printer cartridges. Mr. Perez explained the "Green Bin Instant Win Program". Two cards were drawn from cards returned to the City from residents wishing to participate in the Green Bin Instant Win Program. Mr. Perez announced he would let the Mayor know if cards drawn were winning cards in the next week. Rita Burnside and the Earthwise Living Committee presented a recycled glass dish to Waste Management in appreciation for its efforts in promoting recycling.

**Citizens to be heard and time for objections to the Consent Agenda.**

Mayor Riley asked Council if they wished for any item to be removed from the Consent Agenda for further discussion. Councilmember Dean asked that Items # 9 and #10 be withdrawn for further discussion. Mayor Riley then asked if anyone in the audience wished to address the Council.

Leroy Alloway, Director of Community Relations for the Alamo Regional Mobility Authority (ARMA), gave each member of Council a packet of information on the ARMA program. He reviewed the purpose of the Bandera Road Community Working Group and stated that the Federal Highway Administration ordered an environmental impact statement for Bandera Road, which will take approximately 4-5 years to prepare. He explained that until after that study was completed, no long term improvements could be done on Bandera Road as there was no funding.

Mr. Alloway stated that there was no preferred alternative from the ARMA for the Bandera Road corridor project. He stated that the ARMA wished to continue to partner with the City of Leon Valley and to assist with temporary relief to the corridor although no funding from the State had been identified as of yet. Mayor Riley thanked Mr. Alloway for the information provided.

Mayor Riley asked if there was anyone else who wished to address the City Council; hearing no one, she asked for a motion for Consent Agenda items numbered 11, 12, 13, and 14.

**Consent Agenda**

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**Consider M&C # 06-03-07 - Approval of a request for City sponsorship to waive all fees for use of the Conference Center for a supervisors' training program co-hosted by the City and the Texas Municipal League - Intergovernmental Risk Pool (Feutz).**

**Consider M&C # 06-04-07 with attached Ordinance - Approval of a Budget Adjustment for the CDBG Grant Bandera Road Sidewalk Construction Project - for administrative purposes only (Vick).**

**Consider M&C # 06-05-07 with attached Ordinance - Approval of a Budget Adjustment for playground equipment (Stolz).**

**Consider M&C # 06-06-07 - Approval of payment to Etech Construction, Inc. in the amount of \$17,968.24 (Wright).**

A motion was made by Councilmember Dean, seconded by Councilman Reyna, to approve Consent Agenda items 11, 12, 13, and 14 as presented on the Council agenda. Upon vote, the motion carried.

**Consider M&C # 06-01-07 - Approval to authorize the City Manager to enter into a contract with Armstrong, Vaughan & Associates for external, independent auditor services (V. Wallace).**

Councilmember Dean asked the City Accountant how long the contract has been in effect with Armstrong, Vaughan & Associates to which City Accountant Wallace answered that City had been with these auditors since approximately 1992. She stated that in 2004, the contract went out for proposals. She explained that the contract was five years and the present contract has expired.

A motion was made to table a decision on M&C # 06-01-07 by Councilmember Dean, seconded by Councilman Reyna, until after the Council had a chance to further discuss the issue. After discussion, the motion was amended and withdrawn by both Councilmembers.

A motion was then made by Councilmember Dean, seconded by Councilman Reyna, to table a decision on the auditor's services until after the City was able to publish a Request for Proposals and to review those proposals. Upon vote, the motion carried. Mayor Riley announced that the item was tabled.

**Consider M&C # 06-02-07 - Approval to renew a contract between the City of Leon Valley and Heard & Smith, L.L.P. for collection of delinquent taxes for a period of July 1, 2007 to June 30, 2009 and renewal of the delinquent tax resolution. (V. Wallace).**

Councilmember Dean asked the City Accountant how long the contract had been in effect with Heard and Smith for their services. Ms. Wallace indicated that the contract had been in effect for about twenty years and she did not know when it had last been put out for proposals from others. Ms. Wallace indicated that the contract was time sensitive, as the City must have a contract before July 1<sup>st</sup>.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilman Reyna, to table any decision on M&C # 06-02-07 until after Requests for Qualifications had

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been published and reviewed and returned to Council. Upon vote, Mayor Riley announced that the motion carried to table a decision on the contract renewal.

**Public Hearing to consider Non-Specified Use Permit Case # 07-001 - a request by John Hooten, applicant, to classify the use "Automobile Repair and/or Service - Brake Repair Facility" into the B-2 (Retail) zoning district (Smith). (WITHDRAWN AT REQUEST OF APPLICANT).**

Mayor Riley read the agenda headline aloud and announced that upon the request of the applicant, the request had been withdrawn.

**Public hearing to consider Specific Use Permit Case # 07-257 - with attached Ordinance - A request by Lori Orr, agent for Kevin Manner, Mesa Development Group, applicant and property owner, for "New Construction", to be located in the 7600/7700 block of Eckhert Road, being Lots 11 and 43, Block I, CB 4446A, Linkwood Addition Subdivision (Smith).**

Community Development Director Smith addressed City Council presenting the particulars of Specific Use Permit Case #07-257, a request from Mesa Development Group, the applicant and property owner, for "New Construction", to be located at 7600/7700 block of Eckhert Road, being Lots 11 and 43, Block I, CB 4446A, Linkwood Addition Subdivision. She noted that because this construction abuts a residential district, the new construction requires a Specific use Permit. Ms. Smith reviewed the surrounding zoning and the platting and zoning history for the property. She stated that the applicant's site plan met the minimum requirements for site plan development, including parking and landscaping. She noted that the applicant had been granted two variances by the Board of Adjustment, on May 23, 2007, to the 25' rear setback requirement (9' encroachment leaving 16' rear yard setback) and to the 20' side yard setback (15' encroachment leaving 5' side yard setback) due to the shallow lot depth, and parking and Fire Department requirements. She noted that 24 letters were sent to surrounding property owners and two letters were returned undeliverable, and no letters were received in favor of nor in opposition to the case.

Zoning Commission Chair Guerra stated that on May 22, 2007, the Zoning Commission recommended approval of the case by a vote of 7:0, contingent upon the variances requested being approved by the Board of Adjustment.

Ms. Smith announced that Kevin Manner, the applicant was present in the audience for any questions.

Mayor Riley announced the public hearing was open at 8:05 p.m. and invited anyone in the audience to come forward to speak on the case. Seeing no one, Mayor Riley announced the public hearing closed at 8:06 p.m.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to approve the Specific Use Permit Case # 07-257 as presented and Councilmember Dean asked the applicant to mow the property. Upon vote, Mayor Riley announced the motion carried.

**Public Hearing to consider Zoning Case # 07-376 with attached ordinance - a request by Guillermo Espinosa, applicant, to rezone approximately 4.1032 acres of land in the 6400**

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**block of Shadow Mist Drive, from R-1 (Single Family) to B-1 (Small Business), being a  
portion of Lots 6 and 7, CB 4430, Leon Valley Homesites Subdivision (Smith).**

Community Development Director Smith addressed City Council explaining that the request, by applicant Guillermo Espinosa, was to rezone approximately 4.1032 acres of land from R-1 (Single-Family Dwelling) to B-1 (Small Business ) zoning in the 6400 block of Shadow Mist Drive. Ms. Smith reviewed the surrounding zoning and platting history of the property. She reviewed the restrictions on and uses allowed in a B-1 (Small Business ) zoning district.

Ms. Smith explained that there were several developmental issues with the property and the surrounding area that the applicant has been informed of and will be required to address before any certificates of occupancy can be issued: Board of Adjustment special exceptions, replatting, Specific Use Permit, and building permits. She stated that the property is located along Huebner Creek and most of the property is in the floodplain and in a floodway. She informed Council that 19 letters were mailed to property owners within 200 feet of the site with no letters received in favor of or in opposition to the case and no letters were returned as undeliverable. Ms. Smith announced that the applicant, Mr. Espinosa, was present to answer questions from Council.

Zoning Commission Chairman Guerra informed Council that the Zoning Commission voted 7:0 on May 22, 2007, to recommend approval of the case as it was consistent and compatible with the Master Plan and surrounding zoning and promoted the health and safety of the general public.

Applicant Guillermo Espinosa addressed Council stating that it was his intention to develop soccer fields on the site for children to learn the sport. Mayor Riley asked if the gate at the end of El Verde Road would remain closed; Ms. Smith stated that the locked gate would remain. Councilmember Dean asked if the applicant had plans for night lighting of the field; Mr. Espinosa stated that he planned for the fields to be open for soccer practice until about 9:45 p.m. and would need lights. In response to questions regarding lighting, hours, and parking, Ms. Smith stated that all of these items would be addressed in the Specific Use Permit public hearings.

Mayor Riley opened the public hearing at 8:20 p.m. and invited members of the audience to address Council on the case.

Resident Cynthia Rangel, 5900 El Verde Road, asked questions about proposed parking for the site and expressed her concerns that visitors of the proposed recreational facility will be using the narrow El Verde Road for parking.

Resident Rick Rangel, 5900 El Verde Road, addressed Council stating that the 200-foot notification to surrounding property owners was insufficient for this project and asked that the residents be informed so that they could hear how the applicant will address noise, lights, parking and traffic. He asked Council to table a decision on the matter until more residents had been informed about the case. Mayor Riley stated that the Specific Use Permit hearing would be the time to increase the area of notification of residents.

Seeing no one else, Mayor Riley closed the public hearing at 8:25 p.m.

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Following Council discussion, a motion was made by Councilmember Dean, seconded by Councilman Reyna, to approve the Zoning Case No. 07-376 as presented. Upon unanimous vote; Mayor Riley announced the zoning request was approved.

**Consider Appointment of Mayor Pro Tem to serve from June 2007 - June 2008.**

Mayor Riley announced that the appointment for Mayor Pro Tem, under the law, was for a one-year term and asked Council for their nominations.

A motion was made by Councilmember Baldrige, seconded by Councilmember Dean, to nominate Councilman Reyna to be the Mayor Pro Tem for the next year. Mr. Reyna accepted the nomination. Upon vote, Mayor Riley announced that Councilman Reyna was elected as the Mayor Pro Tem.

**Consider M&C # 06-07-07 - Approval of Resolution providing requests for signage on I.H. 410 and S.H. 16 (Bandera Road) (Vick).**

Public Works Director Vick addressed Council stating that Lawrence Coyle from the Texas Department of Transportation (TXDOT) had asked the City for comments on the proposed signage to be added to the Loop 410 and Bandera Road vicinity upon completion of the Loop 410 and Bandera Road elevated ramps. He presented the maps of those areas which TXDOT had provided. Mr. Vick reported that the Business Alliance Committee and members of Council had submitted recommendations for signage as follows:

1. "Leon Valley Business District" signs on west Loop 410 - before the elevated ramp on the lower level; on west Loop 410 - before S.H. 16 (Bandera Road) lower exit, and east Loop 410 - from Ingram - add one Leon Valley Business District sign.
2. Lower level S.H. 16 (Bandera Road) - "Wurzbach Road", two signs each on signal arms.

Mr. Vick informed Council that a private company has a contract with TXDOT that allows businesses to pay for additional signage that would add their names for fuel, lodging, meals, etc. on TXDOT signs.

Following Council discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the Resolution and request as presented. Upon vote, Mayor Riley announced the motion carried.

**Consider M&C #06-08-07 - Approval of new contract with the City of Helotes to provide police dispatch services (Lambert).**

City Manager Lambert announced that the Chief of Police was out of town for training. Mr. Lambert provided a brief history of the rates charged to Grey Forest and Helotes for dispatch services since 2001. He explained that in 2007, the City of Leon Valley changed the formula to calculate the rate to be charged for dispatch services which would have increased the rate for Helotes to \$95,000 in FY 2008. He told Council that Helotes and Grey Forest received less costly offers from Balcones Heights for dispatch services. Mayor Riley announced that she was contacted by the then Helotes Mayor, Jon Allan, who told her that Helotes was going to a less

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expensive City for dispatch services. Mayor Riley stated that she and Mayor Allan worked out an agreement to hold the costs for Helotes to \$66,128 per year for the next three years.

After discussion, a motion was made by Councilmember Baldrige, seconded by Councilmember Nelson, to approve the new contract with the City of Helotes for police dispatch services in the amount of \$66,128 for the next three years. Upon vote, Mayor Riley announced the motion carried.

**Discussion Agenda**

**Discussion on appointment of members to the Superfund/EPA Advisory Group, a Citizens Advisory Group (CAG) (Lambert).**

City Manager Lambert updated Council stating that the Citizens Advisor Group (CAG) would be composed of representatives from the City of Leon Valley and area representatives who may have an interest in the Superfund/Environmental Protection Agency's work in Leon Valley. Mr. Lambert provided information on the persons contacted to be members of the CAG and asked Council to consider these names and he stated that a request for formal approval of the members of the CAG would be placed on the next City Council meeting agenda. He announced that the EPA, the Texas Department of State Health Services and the United States Geological Survey have declined to participate due to a variety of reasons. Mayor Riley announced that the CAG would be renamed as per a recommendation from the Environmental Protection Agency (EPA). Mr. Lambert stated that the EPA recommended more Leon Valley citizens be included in the CAG and he reminded Council that the CAG will meet quarterly.

Following discussion, Mayor Riley asked Councilmembers to provide their recommendations for appointment at the next meeting.

**Presentation and update on the Trade & Market Days (Caldera).**

Economic Development Director Caldera addressed Council providing an update of the expenditures for the Trade & Market Days for the FY 07 Budget. She explained that the Trade & Market Days must generate at least \$2,888 every month in order to break even. She provided an overview of the revenue and expenditures of the program.

Councilmember Dean and Mayor Riley asked that the moneys used to pay for Elsa Dominguez be included in the expenditures to provide a better reflection of the Trade & Market Days true costs to operate. Ms. Caldera stated that she did not have that information with her, but that she would send the information to Council.

**Discussion on previous City Council actions regarding proposed elevated roads and tollways along S.H. 16 (Bandera Road) (Mayor Riley).**

Mayor Riley informed Council that she and the City Manager had been informed by TXDOT that Bandera Road in Leon Valley had been removed from consideration from regular funding from TXDOT and the Metropolitan Planning Organization (MPO) back in 1998-1999, when the City asked to get out of the MPO. She stated that after researching City records, three resolutions were found from 1999, 2005 and 2006 and no records were found that indicated that the City asked to have Bandera Road removed from normal funding considerations or for the City to be removed from the MPO's 20-year funding plan. Mayor Riley stated that she wanted the City's

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position to be clarified. Mr. Lambert asked if Council wanted to formally ask that the City of Leon Valley be added back into the MPO's regular funding considerations.

In answer to Council's questions, Mayor Riley asked the Leroy Alloway, from the Alamo Regional Mobility Authority (ARMA) for answers to questions, after asking Council if they had any objections; there were no objections. Mr. Alloway explained that it was his understanding that while the Federal Highway Administration (FHA) was conducting the environmental impact studies for the next 4-5 years, the FHA would not grant any environmental clearance to do long term improvements on Bandera Road. He stated that safety improvements could be considered for environmental clearance from the FHA, but until the environmental study was completed no long term improvements were likely to be considered.

Council discussion continued as to whether the MPO could fund interim solutions for Bandera Road improvements while the environmental study was ongoing, whether the MPO might have funding available for those solutions, and if other environmental studies would be required for possible interim safety solutions along Bandera Road. Councilmember Nelson asked Mr. Alloway for additional information on the ARMA studies of a.m. and p.m. peak traffic flow on Bandera Road.

Mayor Riley also announced that TXDOT would be holding a public meeting on the environmental impact for Loop 1604 and other corridors on June 27, 2007 at the Alfazar Shrine Temple on Loop 1604.

**City Manager's report (Lambert).**

City Manager Lambert addressed Council reporting that the improved Huebner Creek was observed during recent rains and he stated that the improvements in the creek appeared to be working as projected.

**Citizens to be heard.**

Resident and former Mayor Marcy Meffert, addressed Council providing a summary of what happened in 1998/1999 when she was Mayor and the City was presented with three options for traffic congestion relief on Bandera Road: a "trumpet" traffic pattern, a flyover from Loop 410 to Mainland, and second flyover to go over Leon Valley. She stated that she told the MPO at that time to take the "flyover" out of the mix, and that the other options were not acceptable for the City. She stated that after advice from the Council and others, a compromise was deemed acceptable for a ramp from Loop 410 to Rue Francois. She stated that there never was any mention at that time of taking Bandera Road off the funding list. Mayor Riley thanked her for her comments.

Resident Matthew Hodde, 5804 El Verde Road, addressed Council thanking them for their work and expressing his concerns about the response his family received when they called Leon Valley's 011 Dispatchers about explosions in his area last month.

Resident Cynthia Rangel addressed Council asking for their support of the Trade and Market Days and asked that more volunteers be recruited for the Trade and Market Days Committee. She complimented the Committee Chair and staff support for the committee's activities. Councilmember Dean stated that the volunteers are doing a great job but expressed his concerns that the Trade & Market Days should not be subsidized by the City.



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**Announcements by Councilmembers and Mayor.**

Councilman Reyna announced that his son, Arthur, had graduated from University of Texas with two degrees.

Councilmember Dean announced that his son would be starting at Texas A&M University in the Fall and welcomed the new members of Council.

Councilmember Nelson stated that she was looking forward to working with the Council.

City Secretary Feutz asked Councilmembers to let her know if they are planning on attending Texas Municipal League training sessions.

Mayor Riley thanked everyone who participated in the May 31<sup>st</sup> mediation with the Bexar County mediators and stated that while there had been no compromise between the developers and the residents, there was open dialogue. She reminded everyone that the Master Plan discussions for Seneca III Estates would be held in July of 2007. Mayor Riley announced that the City Council meeting on June 19, 2007 will be held at the Conference Center.

Mayor Riley also reported on the International Conference of Shopping Centers which she, the City Manager, and the Economic Development Director attended at the end of May. She reported on last minute legislative action that would lessen the water withdrawal reductions that were scheduled to become effective in January 2008.

She congratulated resident Theresa Diaz for being named the President of the Area Chapter on Autism.

**Adjourn.**

After asking if there was any other business or comments, Mayor Riley accepted a motion, made by Councilman Reyna and seconded by Councilmember Baldrige, to adjourn the meeting. Mayor Riley announced the meeting adjourned at 9:52 p.m.

ATTEST:

Chris Riley  
Mayor

Marie Feutz  
City Secretary

*Approved by vote of City Council at the Regular City Council Meeting of June 19, 2007.*